



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 5, 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Jay Inslee
Governor of Washington
Office of the Governor
P.O. Box 40002
Olympia, Washington 98504-0002

Dear Governor Inslee:

Thank you for your August 16, 2018, letter regarding the U.S. Environmental Protection Agency proposed rule *Strengthening Transparency in Regulatory Science*. We appreciate your and your colleagues' comments. Your letter has been entered into the docket and will be posted at <https://www.regulations.gov/document?D=EPA-HQ-OA-2018-0259-0001>.

If you have further questions, please contact me or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations, at (202) 564-5200 or Lyons.Troy@epa.gov.

Sincerely,

A handwritten signature in black ink, which appears to read "Andrew R. Wheeler", is written over the typed name.

Andrew R. Wheeler
Acting Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 21, 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Mary Fallin
Governor of Oklahoma
2300 N. Lincoln Boulevard
Suite 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

Thank you for your August 20, 2018, letter expressing concern about the impact of the U.S. Environmental Protection Agency's regulations on employment in the heavy-duty (HD) glider vehicle industry. Your letter is being placed into the public docket for the rulemaking associated with this topic.

Late last year, the EPA proposed to repeal the emissions standards and other requirements of the HD Phase 2 Rule as they apply to glider vehicles, glider engines, and glider kits (82 FR 53442, Nov. 16, 2017). After consideration of the public comments we received and following further engagement with stakeholders, the EPA determined that additional evaluation of this matter is necessary. We will continue to move as expeditiously as possible on a regulatory revision regarding the requirements that apply to the introduction of glider vehicles into commerce, consistent with statutory requirements and in consideration of air quality impacts. We are not able to provide a timeline on further action at this point, but we will remain engaged with stakeholders as the agency moves forward on this matter.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at 202-564-5200.

Sincerely,

A handwritten signature in black ink, which appears to read "Andrew R. Wheeler", is written over a horizontal line.

Andrew R. Wheeler
Acting Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 21, 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Jay Inslee
Governor of Washington
P.O. Box 40002
Olympia, Washington 98504-0002

Dear Governor Inslee:

Thank you for your October 26, 2018, letter to U.S. Department of Transportation Secretary Elaine Chao and me, regarding the proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles rule.

On August 2, 2018, the National Highway Traffic Safety Administration and EPA issued a proposed rule, the SAFE Vehicles rule for Model Years 2021-2026 Passenger Cars and Light Trucks. In that action, EPA proposed to amend certain existing greenhouse gas emissions standards for passenger cars and light trucks, and to establish new standards covering model years 2021 through 2026. The proposed rule also requested comment on a wide range of alternatives and various modifications to the overall program.

We will remain engaged with stakeholders, including auto manufacturers, parts suppliers, states, environmental, and other non-governmental groups as we work toward developing a final rule with NHTSA. We held three separate public hearings on the proposed rule in the following locations: Fresno, California; Dearborn, Michigan; and Pittsburgh, Pennsylvania, where we heard testimony from more than 300 citizens and groups interested in this rule. The comment period for the proposed rule closed on October 26, and we will review all comments and information submitted to the agencies.

We appreciate your input on this important policy matter and have added your letter to the docket for the rulemaking, where it will be part of the public record.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations at lyons.troy@epa.gov or at 202-564-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler
Acting Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 21, 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Andrew Cuomo
Governor of New York
Executive Chamber
Albany, New York 12224

Dear Governor Cuomo:

Thank you for your October 31, 2018, letter to the U.S. Environmental Protection Agency concerning the Safer Affordable Fuel-Efficient (SAFE) Vehicles rule for Model Years 2021-2026, which has been proposed to amend certain existing Corporate Average Fuel Economy (CAFE) and greenhouse gas emissions standards for passenger cars and light trucks; and the Affordable Clean Energy (ACE) rule, which has been proposed as a replacement for the Clean Power Plan (CPP).

With regard to ACE, in response to President Trump's 2017 executive order to promote energy independence, the EPA undertook a review of regulations that potentially burden the safe, efficient development of domestic energy resources. The order specifically directed the EPA to review the CPP and, if appropriate, to repeal or revise it as soon as practicable.

The proposed ACE rule would not only promote affordable, clean and reliable energy, but would return the EPA to an interpretation of the Clean Air Act consistent with the Agency's historical understanding of its legal authority. This significant aspect of ACE is reflected in two of its key proposed provisions: (1) the determination of what constitutes the best system of emission reduction; and (2) the emission guidelines that would allow states to tailor their plans to the unique factors of each electric utility generating unit (EGU). Therefore, the proposed ACE rule would give states the primary authority for determining which emissions controls are best suited to individual EGUs and provide the states with a list of "candidate technologies" to guide them as they develop their plans.

As part of the ACE proposal, the EPA is also proposing a new preliminary applicability test for determining whether a physical or operational change made to a power plant may be a "major modification" triggering New Source Review (NSR), which is often a formidable barrier to the implementation of efficiency projects that would reduce CO₂ emissions. The ACE proposal also includes new implementing regulations for emission guidelines under CAA section 111(d) that would give states adequate time and flexibility to develop state plans that work.

These proposed approaches will reduce greenhouse gas emissions from coal-fired power plants. As outlined in the EPA's regulatory impact analysis, estimates suggest that the ACE rule, combined with expected emission reductions due to a variety of other industry trends, could reduce CO₂ emissions from EGUs by as much as 34 percent below 2005 levels.

The proposed ACE rule respects the rule of law. The rebalancing of federal and state roles, in addition to the proposed revisions to NSR and the implementing regulations for CAA section 111(d), will give utilities and states the regulatory certainty they need to invest in new technologies and continue to provide reliable energy for all Americans.

With regard to SAFE, as you know, on August 2, 2018, the National Highway Traffic Safety Administration and the EPA issued the SAFE proposal. In that action, the EPA proposed to amend certain existing greenhouse gas emissions standards for passenger cars and light trucks, and to establish new standards, covering model years 2021 through 2026. The proposed rule also sought comment on a wide range of alternatives and various modifications to the overall program.

The EPA understands the importance of maintaining a single 50-state standard. I have stated that this is a guiding priority numerous times and senior members of the EPA's political and technical teams have been working hard to achieve that end. In particular, the EPA, NHTSA and the White House have regularly engaged with California Air Resources Board Chair Mary Nichols to develop an appropriate path forward.

As we, together with NHTSA, work toward developing a final rule, we will remain engaged with stakeholders, including auto manufacturers, parts suppliers, states, and environmental and other non-governmental groups. We recently held three public hearings on the proposed rule, where we heard input from members of the public and many groups interested in this rule. Over the course of the three hearings, held in Fresno, California, Dearborn, Michigan, and Pittsburgh, Pennsylvania, we heard testimony from more than 300 citizens and groups. The comment period on the proposed rule closed on October 26, and we will review all comments and information submitted to the agencies. We appreciate your input on this important policy matter and have added your letter to the docket for the rulemaking, where it will be part of the public record.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at 202-564-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler
Acting Administrator



11/5/2018 11:57 AM
RECEIVED
2018 NOV -5 AM 11:57
OFFICE OF THE
EXECUTIVE SECRETARIAT

October 26, 2018

The Honorable Elaine L. Chao
Secretary of Transportation
United States Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Madam Secretary and Acting Administrator Wheeler:

We write to express our united support for the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule proposed by the National Highway Traffic Safety Administration and the Environmental Protection Agency, reforming the current Corporate Average Fuel Economy (CAFE) standards.¹

Our states have demonstrated that environmental preservation and free enterprise are compatible and necessarily linked. Indeed, free markets naturally reward producers for developing effective, desirable environmental innovations to meet consumer demand. Government undermines both goals when it enacts policies that pit environmental preservation against free enterprise, hindering free markets, propping-up inferior solutions, and ultimately reducing prosperity.

The CAFE standards enacted by the previous administration are a prime example of such a misguided policy. The standards create unrealistic fuel economy requirements that President Trump has accurately characterized as "industry-killing regulations."

The SAFE Vehicles Rule provides realistic fuel economy goals that will conserve energy and further protect the environment without stifling the market economy or forcing consumers' hands. Moreover, by establishing a nationwide, realistic fuel economy standard, the SAFE Vehicles Rule will make cars more affordable. No longer will manufacturers be required to spend billions of dollars to meet onerous and unnecessary emissions

¹ The proposed rule is entitled "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks (SAFE Vehicles Rule)" and was published in the Federal Register on August 24, 2018 at 83 FR 42817 and 83 FR 42986.


standards imposed by only one of the fifty states. Nor will manufacturers be forced to jump through duplicative regulatory hoops just to bring their cars to market. These savings will be passed on to consumers, allowing more Americans to buy new cars and to reap the benefits of the improved energy and safety features.

Although our states differ in many ways, all of our citizens benefit from free-market policies that increase prosperity. We thus write jointly to express our strong support for the proposed SAFE Vehicles Rule, and to urge the National Highway Traffic Safety Administration and the Environmental Protection Agency to adopt this rule and reform the CAFE standards.

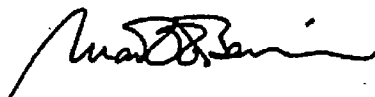
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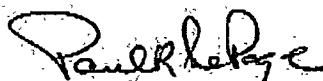
Governor Greg Abbott
Texas



Governor Jeff Colyer
Kansas



Governor Matt Bevin
Kentucky



Governor Paul R. LePage
Maine



Governor Phil Bryant
Mississippi



Governor Pete Ricketts
Nebraska



Governor Doug Burgum
North Dakota



Governor Mary Fallin
Oklahoma

2015

Congress of the United States
Washington, DC 20515

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue NW
Washington, DC 20460

November 15, 2018

Dear Acting Administrator Wheeler:

We write in strong opposition to the Environmental Protection Agency's (EPA) recently proposed Affordable Clean Energy (ACE) Rule, which would replace the 2015 Clean Power Plan (CPP) with a far weaker rule that poses direct threats to both human health and the environment and undermine U.S. efforts to combat climate change. This rule will undoubtedly have severe consequences for the health and well-being of the communities we represent, many of whom have long endured profound environmental injustice. In contrast, EPA's own assessment demonstrated that the CPP would have saved thousands of lives each year.¹

As you know, the CPP is a landmark rule finalized in 2015 that would set our country on track to significantly reduce greenhouse gas emissions, combat global climate change, and protect the health and safety of the American people. The CPP lays out a commonsense plan that gives states the authority to establish individual proposals for how they intended to achieve specific emission reduction goals. Instead of establishing reduction targets for states, however, ACE opens up the possibility of weaker state standards and will likely result in an increase in overall power plant emissions.

Under the CPP, EPA estimated that carbon emissions from the electric power sector – the second highest emitting sector after transportation – would be reduced by 32 percent compared to 2005 levels by 2030. In addition to combatting global temperature increases and addressing the dangerous health and environmental impacts of those increases, the CPP also presents enormous health benefits. Upon full implementation, the plan would have led to air quality improvements in all lower forty-eight states and would prevent up to 90,000 childhood asthma attacks and 4,500 premature deaths each year.

We have grave concerns that ACE significantly weakens the pollution limits established under the CPP and poses severe health threats to the American public. The proposal would reduce sulfur dioxide and nitrogen oxide - precursors to smog – each by only 1 to 2 percent in 2030, compared to 2005 levels. In contrast, the CPP would have cut sulfur dioxide levels by 24 percent and nitrogen oxide by 22 percent, compared to 2005 levels.² Finalizing this proposal would result in increased

¹ U.S. Environmental Protection Agency. 2017. Regulatory Impact Analysis for the Review of the Clean Power Plan: Proposal, 2017. EPA-452/R-17-004, Research Triangle Park, NC.

² Eilperin, J. 2018. New Trump power plant plan would release hundreds of millions of tons of CO2 in the air. Available online at <https://www.washingtonpost.com/national/health-science/new-trump-power-plant-plan-would-release->

exposure to these dangerous pollutants, causing premature death, lung cancer, aggravated asthma, trouble breathing, heart attacks, and exacerbations of chronic obstructive pulmonary disease (COPD).

Under ACE, your own agency estimates that the rule will result in up to 1,600 more premature deaths and 120,000 more asthma attacks per year by 2030, a stark contrast to the gains that would have been made under the CPP. Moreover, climate change and air pollution disproportionately affect vulnerable populations, such as children, the elderly, low-income individuals, and communities of color, all of whom will continue to bear the brunt of these negative impacts. For example, African Americans' exposure to the particulate matter emitting facilities that the CPP would have regulated is 1.54 times greater than the American population at large³ and communities of color demonstrate higher rates of association between asthma and emergency department visits, lost work and school days, and overall poorer health status.⁴ The EPA has also previously reported that Asian Americans and Hispanics had the greatest percentage of populations residing in counties where air quality did not meet EPA standards for particulate matter and ozone, compared with other populations.⁵

The cost of this misguided replacement plan goes beyond the direct health ramifications from air pollution. Under ACE, carbon dioxide emissions would be reduced by only 2.6 percent compared to 2005 levels—far less than the 32 percent reduction under the CPP.⁶ This will lead to continued temperature rises that pose enormous dangers across the country, particularly in low-income communities and communities of color, including exposure to the increased spread of vector-borne diseases, heightened incidents of heat-related illnesses, and power outages that can result in dangers within hospitals and people's own homes.

By taking an enormous step backwards in our efforts to combat climate change, sea levels will continue to rise, severe weather incidents such as hurricanes will worsen, and extended droughts will lead to increased rates of devastating forest fires and crop failures.⁷ Again, these extreme weather events will be felt far more acutely in lower-income, elderly, and minority communities: for example, the black mortality rate from Hurricane Katrina was 1.7 to 4 times higher than that of

hundreds-of-millions-of-tons-of-co2-into-the-air/2018/08/18/be823078-a28e-11e8-83d2-70203b8d7b44_story.html?noredirect=on&utm_term=.d8438c9a1824.

³ Mikati, I., A. F. Benson, T. J. Luben, J. D. Sacks, and J. Richmond-Bryant. 2018. Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status. *American Journal of Public Health* DOI: 10.2105/AJPH.2017.304297.

⁴ Fann, N. 2016. The Impacts of Climate Change on Human Health in the United States, A Scientific Assessment. Available online at https://s3.amazonaws.com/climatehealth2016/low/ClimateHealth2016_03_Air_Quality_small.pdf.

⁵ U.S. Environmental Protection Agency. 2016. EPA's Clean Power Plan, Climate Change and Asian American & Pacific Islanders. Available online at <https://19january2017snapshot.epa.gov/sites/production/files/2016-04/documents/aapi-climate-change.pdf>.

⁶ Keyes, A., D. Burtraw. 2018. CPP Replacement: Emissions Increase "At the Source"? Available online at <http://www.rff.org/blog/2018/cpp-replacement-emissions-increase-source>.

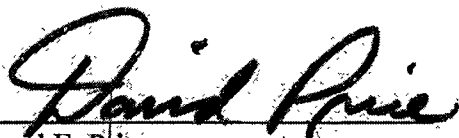
⁷ J. Watts. 2018. We have 12 years to limit climate change catastrophe, warns UN. Available online at <https://www.theguardian.com/environment/2018/oct/08/global-warming-must-not-exceed-15c-warns-landmark-un-report>.

⁷ J. Watts. 2018. We have 12 years to limit climate change catastrophe, warns UN. Available online at <https://www.theguardian.com/environment/2018/oct/08/global-warming-must-not-exceed-15c-warns-landmark-un-report>.

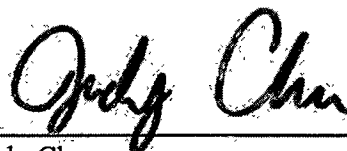
whites and nearly half of the deaths from Superstorm Sandy were individuals over the age of 65.⁸ Studies have also shown that children and the elderly suffer a greater risk of contracting vector-borne diseases, such as those carried by mosquitos and ticks, diseases that are likely to become more prevalent in a warming climate.⁹

The consequences of this disastrous plan are clear: people will die sooner, get sicker, and bear the heavy costs of climate-related incidents and disasters. We simply cannot afford to go back on the progress we have made as a nation to combat climate change and the promise we made to protect the best interests of our constituents, especially the vulnerable populations that will be hit the hardest – communities of color, children, the elderly, and low-income families. We urge you to maintain the pollution limits established by the CPP and set our country on a clear path to combat climate change, reduce emissions, and preserve the health and safety of the American people.

Sincerely,



David E. Price
Member
Sustainable Energy & Environment Coalition



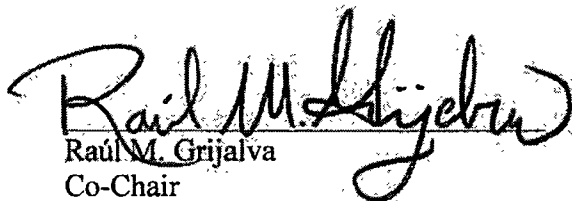
Judy Chu
Chair
Congressional Asian Pacific American Caucus



A. Donald McEachin
Co-Chair
CBC Energy, Environment, and Ag. Task Force



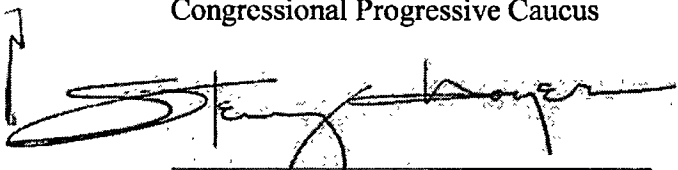
Joaquin Castro
First Vice-Chair
Congressional Hispanic Caucus



Raúl M. Grijalva
Co-Chair
Congressional Progressive Caucus




Mark Pocan
Co-Chair
Congressional Progressive Caucus




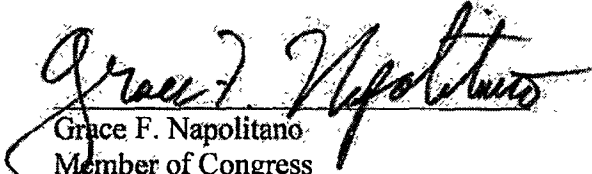
Steny H. Hoyer
Democratic Whip


⁸ Bell, J., S. Herring, L. Jantarasami. 2016. The Impacts of Climate Change on Human Health in the United States, A Scientific Assessment. Available online at https://s3.amazonaws.com/climatehealth2016/low/ClimateHealth2016_04_Extremes_small.pdf.

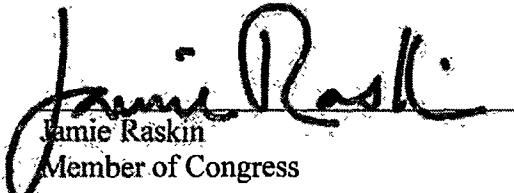
⁹ Beard, C., R. Eisen. 2016. The Impacts of Climate Change on Human Health in the United States, A Scientific Assessment. Available online at https://s3.amazonaws.com/climatehealth2016/low/ClimateHealth2016_05_Vector_small.pdf.



Nanette Diaz Barragan
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Grace F. Napolitano
Member of Congress

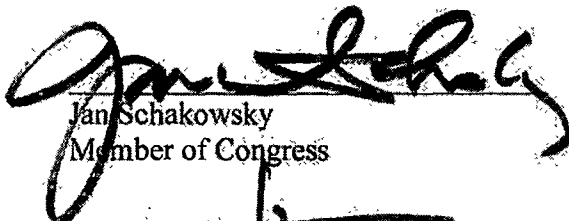

Nydia M. Velázquez
Member of Congress



Jamie Raskin
Member of Congress

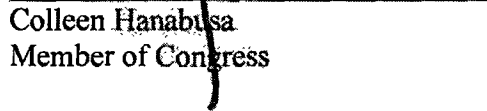

Alan Lowenthal
Member of Congress



Eleanor Holmes Norton
Member of Congress


Salud O. Carbajal
Member of Congress

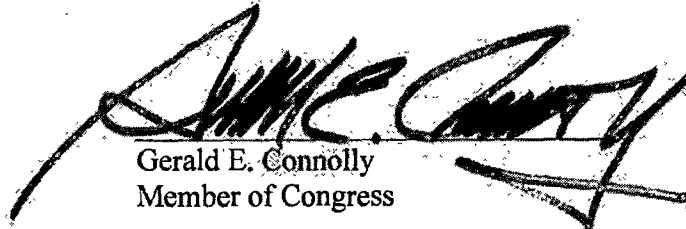

Jan Schakowsky
Member of Congress



Eddie Bernice Johnson
Member of Congress

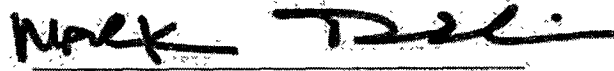

Colleen Hanabusa
Member of Congress


Adriano Espaillat
Member of Congress


Mike Quigley
Member of Congress


Gerald E. Connolly
Member of Congress


Matthew Cartwright
Member of Congress


Mark DeSaulnier
Member of Congress

Tulsi Gabbard

Tulsi Gabbard
Member of Congress

Jim Himes

Jim Himes
Member of Congress

James P. McGovern

James P. McGovern
Member of Congress

Darren Soto

Darren Soto
Member of Congress

Diana DeGette

Diana DeGette
Member of Congress

Grace Meng

Grace Meng
Member of Congress

Henry C. "Hank" Johnson, Jr.

Henry C. "Hank" Johnson, Jr.
Member of Congress

Chellie Pingree

Chellie Pingree
Member of Congress

Ruben J. Kihuen

Ruben J. Kihuen
Member of Congress

Albio Sires

Albio Sires
Member of Congress

Peter Welch

Peter Welch
Member of Congress

Katherine Clark

Katherine Clark
Member of Congress

Donald M. Payne, Jr.

Donald M. Payne, Jr.
Member of Congress

Jerry McNerney

Jerry McNerney
Member of Congress

Jared Huffman

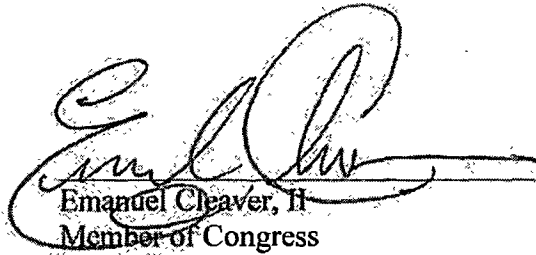
Jared Huffman
Member of Congress

Doris Matsui

Doris Matsui
Member of Congress



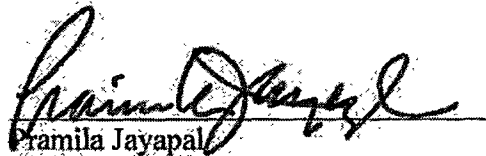
Anna G. Eshoo
Member of Congress



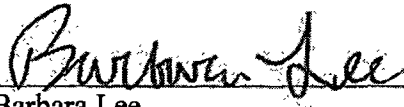
Emanuel Cleaver, II
Member of Congress



Suzanne Bonamici
Member of Congress



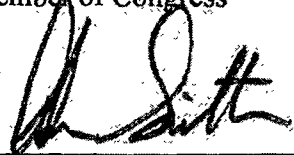
Pramila Jayapal
Member of Congress



Barbara Lee
Member of Congress



Jackie Speier
Member of Congress



Adam Smith
Member of Congress



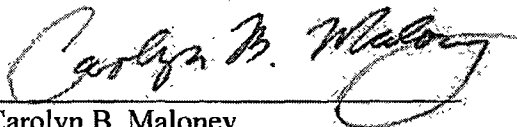
Mark Takano
Member of Congress



Raja Krishnamoorthi
Member of Congress



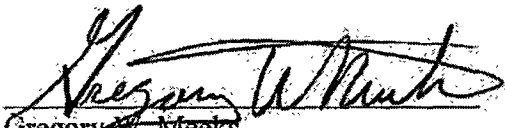
Rick Larsen
Member of Congress



Carolyn B. Maloney
Member of Congress



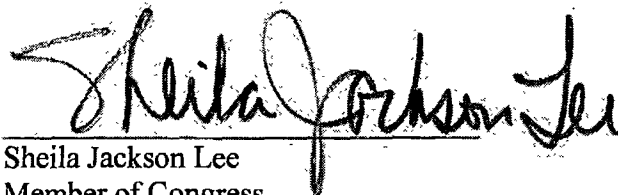
Bennie G. Thompson
Member of Congress



Gregory W. Meeks
Member of Congress



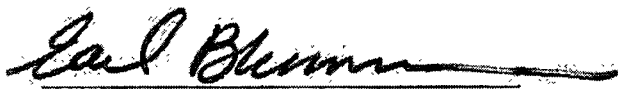
Jimmy Gomez
Member of Congress



Sheila Jackson Lee
Member of Congress



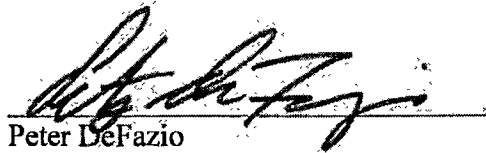
Karen Bass
Member of Congress



Earl Blumenauer
Member of Congress



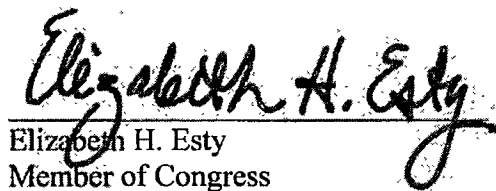
Daniel T. Kildee
Member of Congress



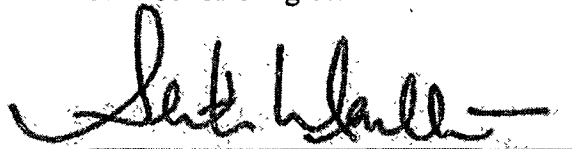
Peter DeFazio
Member of Congress



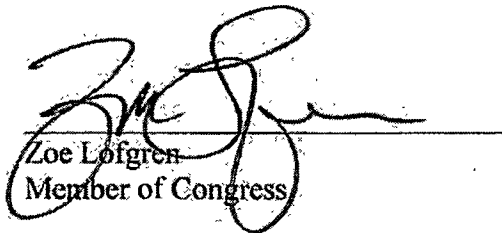
Susan A. Davis
Member of Congress



Elizabeth H. Esty
Member of Congress



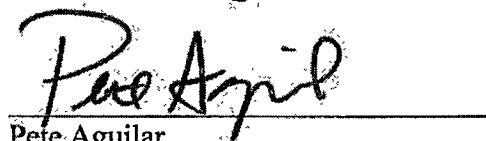
Seth Moulton
Member of Congress



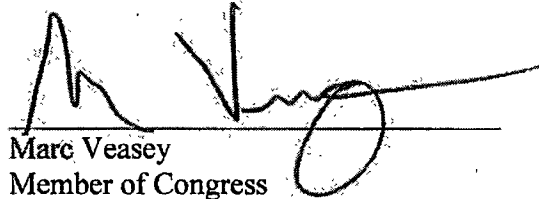
Zoe Lofgren
Member of Congress



Kathy Castor
Member of Congress



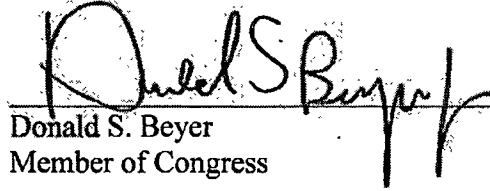
Pete Aguilar
Member of Congress



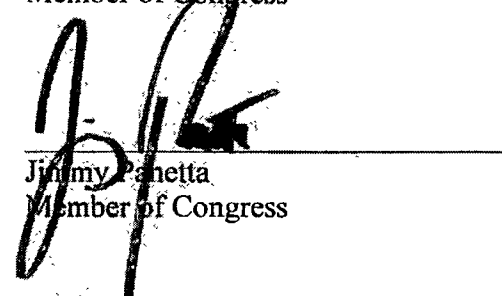
Marc Veasey
Member of Congress



Alcee L. Hastings
Member of Congress



Donald S. Beyer
Member of Congress



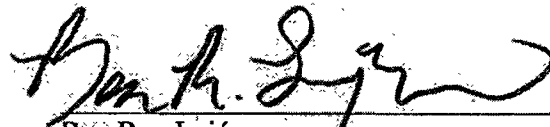
Jimmy Panetta
Member of Congress



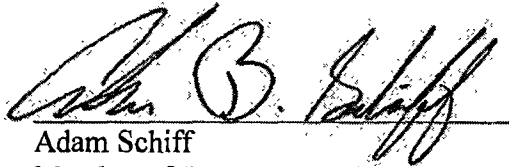
Lucille Roybal-Allard
Member of Congress



Alma Adams
Member of Congress



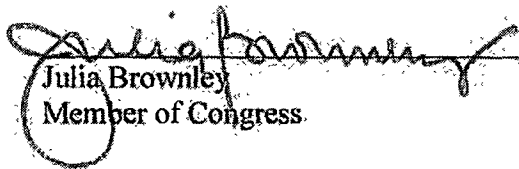
Ben Ray Luján
Member of Congress



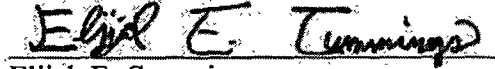
Adam Schiff
Member of Congress



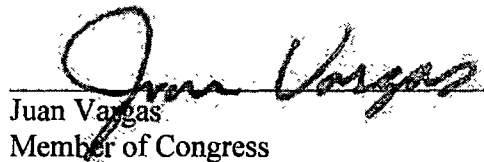
Brenda L. Lawrence
Member of Congress



Julia Brownley
Member of Congress



Elijah E. Cummings
Member of Congress



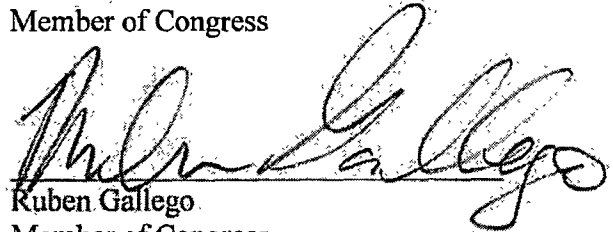
Juan Vargas
Member of Congress



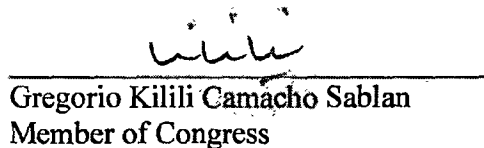
Keith Ellison
Member of Congress



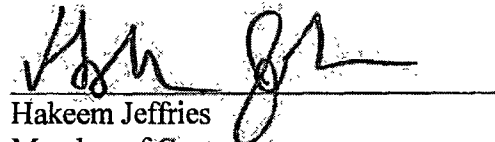
Michelle Lujan Grisham
Member of Congress



Ruben Gallego
Member of Congress



Gregorio Kilili Camacho Sablan
Member of Congress



Hakeem Jeffries
Member of Congress



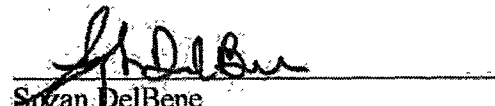
William Lacy Clay
Member of Congress



Betty McCollum
Member of Congress



Bill Foster
Member of Congress



Susan DelBene
Member of Congress



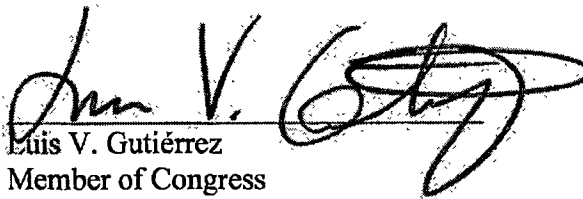
Charlie Crist
Member of Congress



James R. Langevin
Member of Congress



Thomas Suozzi
Member of Congress




Luis V. Gutiérrez
Member of Congress



John Yarmuth
Member of Congress



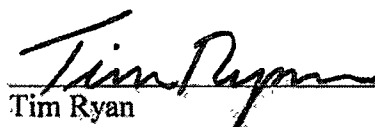
Ted W. Lieu
Member of Congress



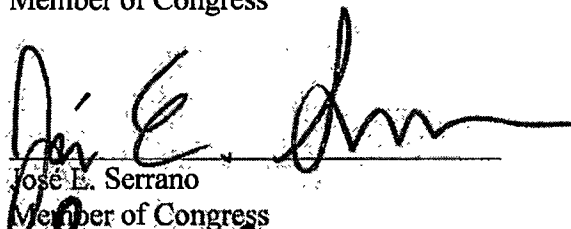
Denny Heck
Member of Congress



Anthony Brown
Member of Congress



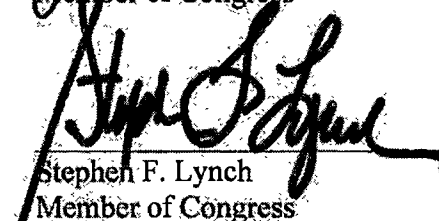
Tim Ryan
Member of Congress



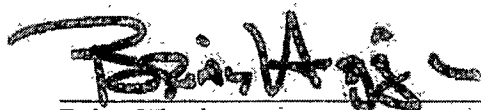
José E. Serrano
Member of Congress



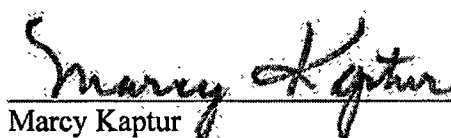
Lloyd Doggett
Member of Congress



Stephen F. Lynch
Member of Congress



Brian Higgins
Member of Congress



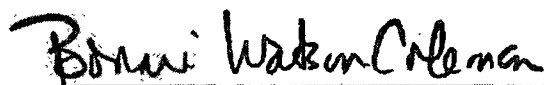
Marcy Kaptur
Member of Congress



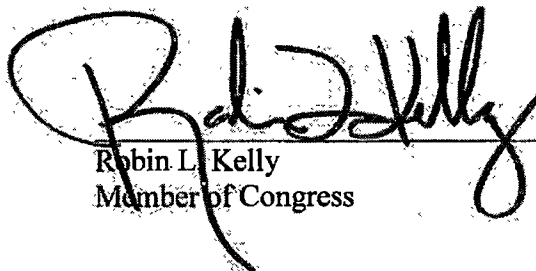
Linda T. Sánchez
Member of Congress



Mike Thompson
Member of Congress



Bonnie Watson Coleman
Member of Congress



Robin L. Kelly
Member of Congress



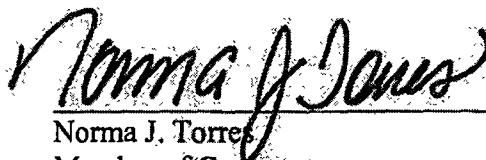
Al Green
Member of Congress



John Garamendi
Member of Congress



G. K. Butterfield
Member of Congress



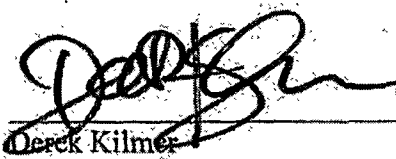
Norma J. Torres
Member of Congress



Ro Khanna
Member of Congress



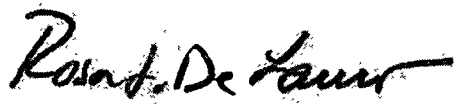
William R. Keating
Member of Congress



Derek Kilmer
Member of Congress



Carol Shea-Porter
Member of Congress



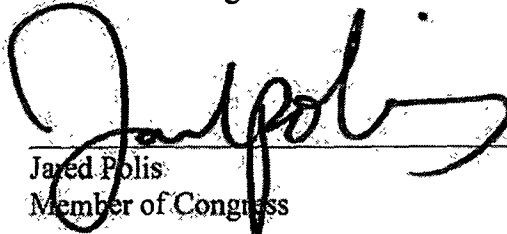
Rosa DeLauro
Member of Congress



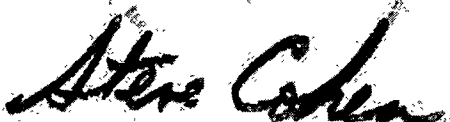
Dutch Ruppersberger
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



Jared Polis
Member of Congress

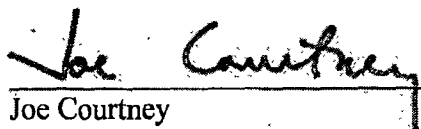


Steve Cohen
Member of Congress

M.C.




Niki Tsongas
Member of Congress



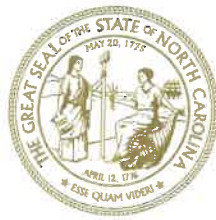
Joe Courtney
Member of Congress



Terri A. Sewell
Member of Congress

A stylized, handwritten signature in black ink, appearing to read 'E. Perlmutter', positioned above a horizontal line.

Ed Perlmutter
Member of Congress



**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

ROY COOPER
GOVERNOR

November 20, 2018

Ms. Mary Walker, Acting Regional Administrator
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960

Dear Ms. Walker:

In accordance with Section 9004 of Subtitle I of the Solid Waste Disposal Act (42 U.S.C. § 6991c), as amended by the Resource Conservation and Recovery Act (42 U.S.C. § 6901), I am forwarding an application for approval of the Underground Storage Tank Program for the State of North Carolina. The application contains the provisions necessary to implement an effective Underground Storage Tank Program.

Should you require further information, please contact Michael Regan, Secretary of the North Carolina Department of Environmental Quality, at (919) 707-8600.

Thank you for your consideration of the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Cooper".

Roy Cooper

RAC/swh

Enclosures



State of New Mexico

Susana Martinez
Governor

November 19, 2018

Ms. Anne L. Idsal
Regional Administrator
USEPA, Region VI
1445 Ross Avenue
Dallas, TX 75202

Dear Regional Administrator Idsal:

Under Section 604(b) of the federal Clean Water Act (CWA), the U.S. Environmental Protection Agency (EPA) Regional Administrator will make funds available to the states to carry out water quality management planning. Section 205(j) of the CWA requires that 40 percent of the Section 604(b) grant funding for state water quality management planning be made available to local or regional water quality planning organizations. Pursuant to Section 205(j)(3) of the CWA, the governor of a state, with approval of the EPA Regional Administrator, may determine that the allocation to regional water quality planning organizations be less than the required 40 percent if it will not result in significant participation by such organizations in water quality management planning. The State of New Mexico was allotted a total of \$100,000 in Section 604(b) funds for FFY18 and a similar allocation is expected for FFY19.

The New Mexico Environment Department (NMED) released a request for quotes (RFQ) to undertake water quality management planning efforts under Section 604(b). The RFQ was opened on September 10, 2018 and closed October 10, 2018. The RFQ was widely distributed through the NMED's website and through e-mail to over 1,600 entities known to be interested in New Mexico water quality issues including regional public comprehensive planning organizations that are eligible to submit proposals. NMED did not receive any eligible proposals.

I am requesting that the remainder of the monies allocated under the FFY19 CWA Section 604(b) be treated as pass-through grant monies and be redirected for use by the NMED for the purpose of water quality planning. These monies will assist in the improvement of water quality planning for the state of New Mexico and will be used by the NMED toward achieving this goal.

Sincerely,


Susana Martinez
Governor

cc: Butch Tongate, Cabinet Secretary, New Mexico Environment Department
Arlene Gaines, New Mexico Water Quality Project Officer (6WQ-AT) EPA Region VI



State of New Mexico
ENVIRONMENT DEPARTMENT

Office of the Secretary



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 South St. Francis Drive, P.O. Box 5469
Santa Fe, New Mexico 87502-5469
Phone (505) 827-2855 Fax (505) 827-1628
www.env.nm.gov

BUTCH TONGATE
Cabinet Secretary

BRUCE YURDIN
Acting Deputy Secretary

November 19, 2018

Anne L. Idsal
Regional Administrator
U.S. EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Re: Transboundary Border Spills

Dear Administrator Idsal:

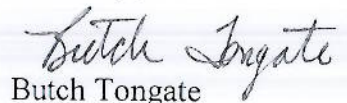
As you likely know, there has been work on a Binational Notification Process for the Sunland Park, NM- Ciudad Juarez, Chihuahua border area concerning transboundary sewage spills. The New Mexico Environment Department (NMED) has participated in on-site and telephonic communications and fully supports the drafted protocol that is currently in the process of finalization between the United States and Mexico Sections of the International Boundary and Water Commission. A copy of the final draft is attached; however, even if the protocol were finalized today, the notification process is not enough to address the consequences of repeated spills over the years from the wastewater treatment plant (WWTP) in Anapra, Chihuahua, Mexico into Sunland Park, New Mexico.

There is a public water system on the border that has recently detected nitrates in excess of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300g-1. I am requesting assistance from EPA Region 6 to help resolve the noted water quality issues based on the high probability that the Anapra WWTP's releases (spills) to the United States' side of the border are a significant source of the nitrates found in the impacted well. A WWTP in another country is not a source that NMED can regulate or enforce upon.

The facts of the matter are that the public water system, Ardovinos Desert Crossing (hereinafter "Ardovinos"), NM3500907, is located in the flow path of the prior sanitary sewer overflows between lift stations of the Anapra WWTP. In July of 2018, the NMED Drinking Water Bureau issued a Notice of Violation for nitrate levels in Ardovinos well at nearly twice the MCL. There are no discharge permits in the area nor known sources of potential contamination other than the Anapra WWTP. Groundwater in the immediate area flows south to north. Depth to groundwater at Ardovinos is estimated at 64 feet below ground surface. Attached is a map of the area with a circle drawn indicating a 0.5-mile radius.

The protocol establishes communication and investigations into overland spills and runoff, but it does not require operational changes at the Anapra WWTP or provide remedies for impacted water systems. My request to you is to leverage your authority with CONAGUA to require that no more spills occur and to assist the Anapra WWTP and Ardovinos with the funding recently announced in the attached press release by the North American Development Bank for water and wastewater projects to benefit communities in the New Mexico border region. Any other regional border funding to support infrastructure improvements and general maintenance activities would also be welcome. I look forward to hearing from you.

Sincerely,



Butch Tongate
Secretary, New Mexico Environment Department

CC: Bruce Yurdin, Acting Deputy Secretary, NMED
Kathryn S. Becker, Assistant General Counsel
Shelly Lemon, Chief, Surface Water Quality Bureau
Stephanie Stringer, Chief, Drinking Water Bureau
Michelle Hunter, Chief, Ground Water Quality Bureau

Attachments:

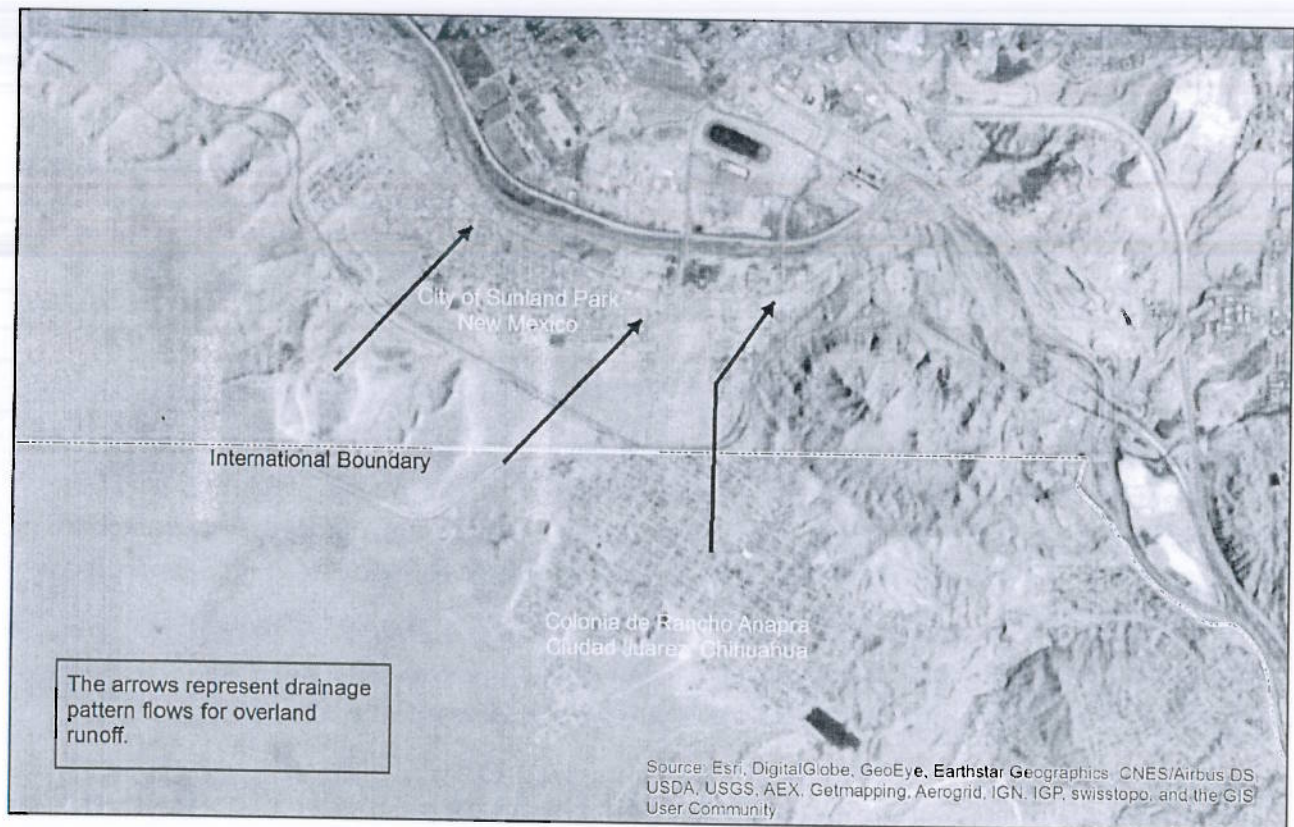
Binational Notification Process for the Sunland Park, NM- Ciudad Juarez, Chihuahua
Map of border area
Press Release: NAD Bank 10-31-18

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Binational Notification Process for the Sunland Park, NM - Ciudad Juarez, Chihuahua In the event of transboundary sewage spills

Background

The City of Sunland Park, New Mexico and Ciudad Juarez, Chihuahua, specifically the Colonia de Rancho Anapra, are located along the land boundary just west of the Rio Grande. The topography of the region is hilly and the drainage flows from south to north. These natural drainages in this watershed flow from northern Mexico via arroyos and cross the border eventually entering the Rio Grande below Sunland Park.



In 2009, Ciudad Juarez constructed the Anapra Wastewater Treatment Plant (AWTP) and completed the collection system (pipes and lift station). The area is residential with no industrial facilities. At times, the collection lines get plugged and result in sewage overflows from the manholes. Due to the topography, some of these spills have crossed into Sunland Park, NM.

In accordance with the International Boundary and Water Commission (IBWC) and pursuant to the Treaty of 1944, the United States and Mexico agreed to give preferential attention to the solution of all border sanitation problems. Through the long history of cooperation, the two countries have successfully vetted border issues and solutions through the IBWC.

Purpose

Notify and address in a timely manner on both sides of the border, any wastewater spill events that occur in the wastewater and storm system of the Anapra Colonia, in Ciudad Juárez, Chihuahua, Mexico, and that result in transboundary discharges into U.S. territory in Sunland Park, New Mexico.

Roles/Responsibilities

International Boundary and Water Commission, United States Section – The **USIBWC** will act as the representative for the United States in communicating identified transboundary flows to the U.S. when notified by Mexico or to the Mexican Section of the IBWC when the transboundary flows are identified by a U.S. entity.

International Boundary and Water Commission, Mexican Section – The **MXIBWC** will act as the representative for Mexico in communicating identified transboundary flows to the USIBWC and to the required Mexican agencies.

United States Environmental Protection Agency – The **USEPA** federal environmental regulatory authority in the United States. The El Paso office of USEPA (Region 6) will coordinate with the USIBWC and other U.S. entities to insure communication and mobilization needed for events on the U.S. side.

New Mexico Environment Department - The **NMED** is the environmental agency for the State of New Mexico that administers the water quality monitoring program among other environmental issues. NMED works closely with EPA Region 6 to implement the NPDES program and conducts inspections on EPA's behalf. NMED also has the responsibility to ensure that NM Water Quality Standards are met.

City of Sunland Park – The **CSP** is the municipality in New Mexico. City personnel will work with U.S. agencies to notify residents and assist in addressing the appropriate response required.

Camino Real Regional Utility Authority – The **CRRUA** is the municipal utility operating wastewater treatment facilities and associated infrastructure in the Sunland Park, New Mexico area. They will address any identified or pending issues that may affect the community of Sunland Park when notified of transboundary flows or flows to the Rio Grande/Rio Bravo in the US. They will communicate the issue and progress to resolve the issue to the USIBWC.

National Water Commission of Mexico – The **CONAGUA** is the federal regulatory authority in Mexico will coordinate as needed with MXIBWC and corresponding Mexican agencies to address the identified issues that are creating transboundary flows.

Municipal Board for Water and Sanitation in Ciudad Juarez – **JMAS** is the municipal utility operating the infrastructure and wastewater treatment facilities in Ciudad Juarez, Chihuahua, Mexico. JMAS will address any identified transboundary flows and will communicate with the MXIBWC on any known or pending issues that are creating transboundary flows.

Notification Process

1. In the event that there is a known break, disruption in flow, planned maintenance in the sewer system, or any other event that has the potential to result in a transboundary flow, the Junta Municipal de Agua y Saneamiento de Ciudad Juárez (JMAS) shall notify the Mexican Section IBWC (MXIBWC) (via telephone, to be followed with email and/or an official letter) within 24 hours, or as soon as possible.

Notification information is to include:

- What happened?
- Where did it happen?
- What is the estimated volume of the discharge?
- What was the cause (if known)?
- When did it happen (date and time)?
- What action(s) are being taken to stop the discharge?
- How long will it take to repair or accomplish corrective action to eliminate the discharge?
- And, to the extent possible, provide the details or plan for post-spill cleanup.

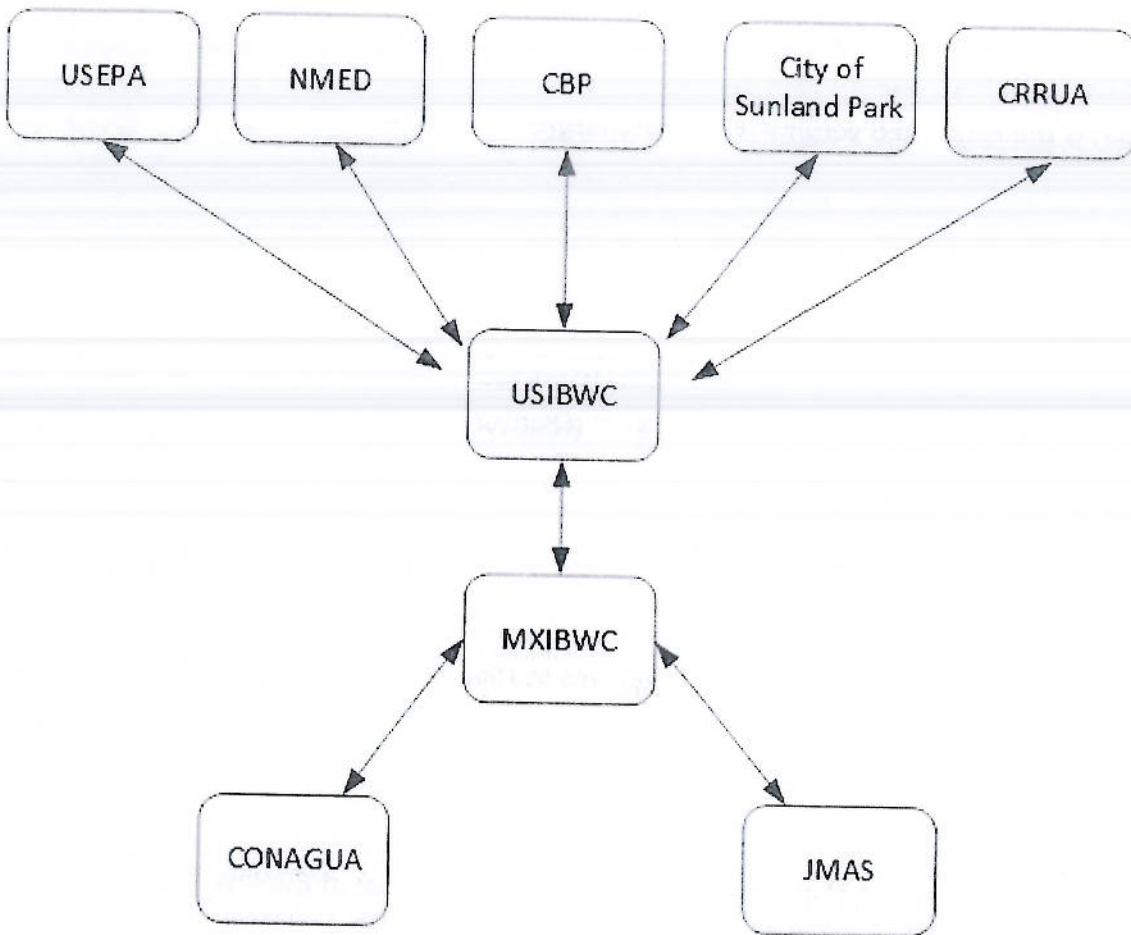
MXIBWC will notify the United States Section IBWC (USIBWC) with this information immediately after receiving notification of the issue (via telephone and/or email). Notification will be made as soon as possible, including all information known at the time and in recognition that in some cases the full list of information may not be available but would be timely provided once available.

2. The two Sections of the IBWC will then activate their respective countries notification lists to provide the information to the required entities and agencies so that reactive measures as needed can take place.
3. The two Sections of the IBWC will continue to update and identify additional situations requiring notification under this process and provide those updates to their respective entities, agencies and municipalities.
4. If a discharge is noted crossing the land boundary by the U.S. Section of the IBWC (USIBWC) or others in the United States by either visual observation or bacterial sampling and laboratory analysis indicating the presence of untreated wastewater, USIBWC will notify MXIBWC that an apparent spill to the United States has occurred and request the information noted in bold in point No. 1 above. If a response is not received from MXIBWC within 24 hours, USIBWC will request of MXIBWC that a joint binational inspection of the affected area be conducted to determine the possible location of the release.
5. If the events described in points No. 1 or No. 4 above occur, USIBWC will immediately notify U.S. recipients of USIBWC email list serve developed for these cases.
6. Upon receiving email notification from MXIBWC, USIBWC staff will confirm receipt of the email (email reply back MXIBWC). If all information from step 1 is not included in the email, the missing information will be requested from MXIBWC.
7. MXIBWC will continue to follow up with JMAS on the progress of actions to resolve the problem and provide USIBWC updates until discharges are discontinued.
8. Upon receiving updates from its Mexican counterpart, USIBWC will email USIBWC list serve recipients with updates until discharges are discontinued. A final U.S. spill report will be prepared by the

USIBWC once the spill has ended. This report will provide any follow up action items, and lessons learned for future responses and will be distributed to the required agencies according to the Notification Diagram shown below.

9. Agency members of the notification list from both countries shall continue providing recommendations and mutual solutions to the IBWC to minimize discharges and improve the notification process.

Notification Diagram (flow of information)



**UNITED STATES EMERGENCY RESPONSE CONTACTS
IN THE EVENT OF TRANSBOUNDARY RAW SEWAGE SPILLS:**

Agency	Name	Title	Cell Phone	Office Phone	Email
USIBWC	Gilbert Anaya	Chief, Env	(b) (6)	915-832-4702	Gilbert.anaya@ibwc.gov
USIBWC	Wayne Belzer	Env. Engineer		915-832-4703	Wayne.belzer@ibwc.gov
USEPA	Carlos Rincon	Director, El Paso Border Office		915-533-7273	Rincon.carlos@epa.gov
USEPA	Gilbert Tellez	Eng. Engineer		915-533-7273	Tellez.gilbert@epa.gov
USEPA	Maria Sisneros	Env. Engineer		915-533-7273	Sisneros.maria@epa.gov
NMED	Kathryn Becker	Assistant General Counsel & Tribal Liaison		505-827-2054	Kathryn.becker@state.nm.us
NMED	Sarah Holcomb	Point Source Regulation Section Program Manager, SWQB		505-827-2798	Sarah.holcomb@state.nm.us
City of Sunland Park	Javier Perea	Mayor			javier.perea@sunlandpark-nm.gov
City of Sunland Park	Julia Brown	City Manager			julia.brown@sunlandpark-nm.gov
City of Sunland Park	Hector Rangel	Public Works Director			hector.rangel@sunlandpark-nm.gov
CRRUA	Brent Westmoreland			575-589-1075	brentw@donaanacounty.org
Customs and Border Protection	Luis J. Balandran	Supervisory Border Patrol Agent PMO/BCL Santa Teresa Station	(b) (6)	(b) (7)(C)	
Customs and Border Protection	Chad S. Cadwallader	Operations Officer		(b) (7)(C)	

**MEXICAN EMERGENCY RESPONSE CONTACTS
IN THE EVENT OF TRANSBOUNDARY RAW SEWAGE SPILLS:**

Agency	Name	Title	Cell Phone	Office Phone	Email
MXIBWC	Manuel Morales	Subdirector de Saneamiento y Calidad del Agua	(b) (6)	6566397673	amorales@cila.gob.mx
MXIBWC	Felipe Davila	Jefe de Oficina de Calidad del Agua		6566397677	fdavila@cila.gob.mx
JMAS	Manuel Herrera	Director Técnico			mherrera@jmasjuarez.gob.mx (b) (6)

Spill Notification Form

Date: _____

Time: _____

Location: _____

Event (Type of Discharge):

Date and Time Started: _____

Estimated Date and Time Stopped: _____

Cause of the discharge: _____

Estimated Volume of Discharge: _____

Observations (odor, color, trash/debris): _____

Actions taken: _____

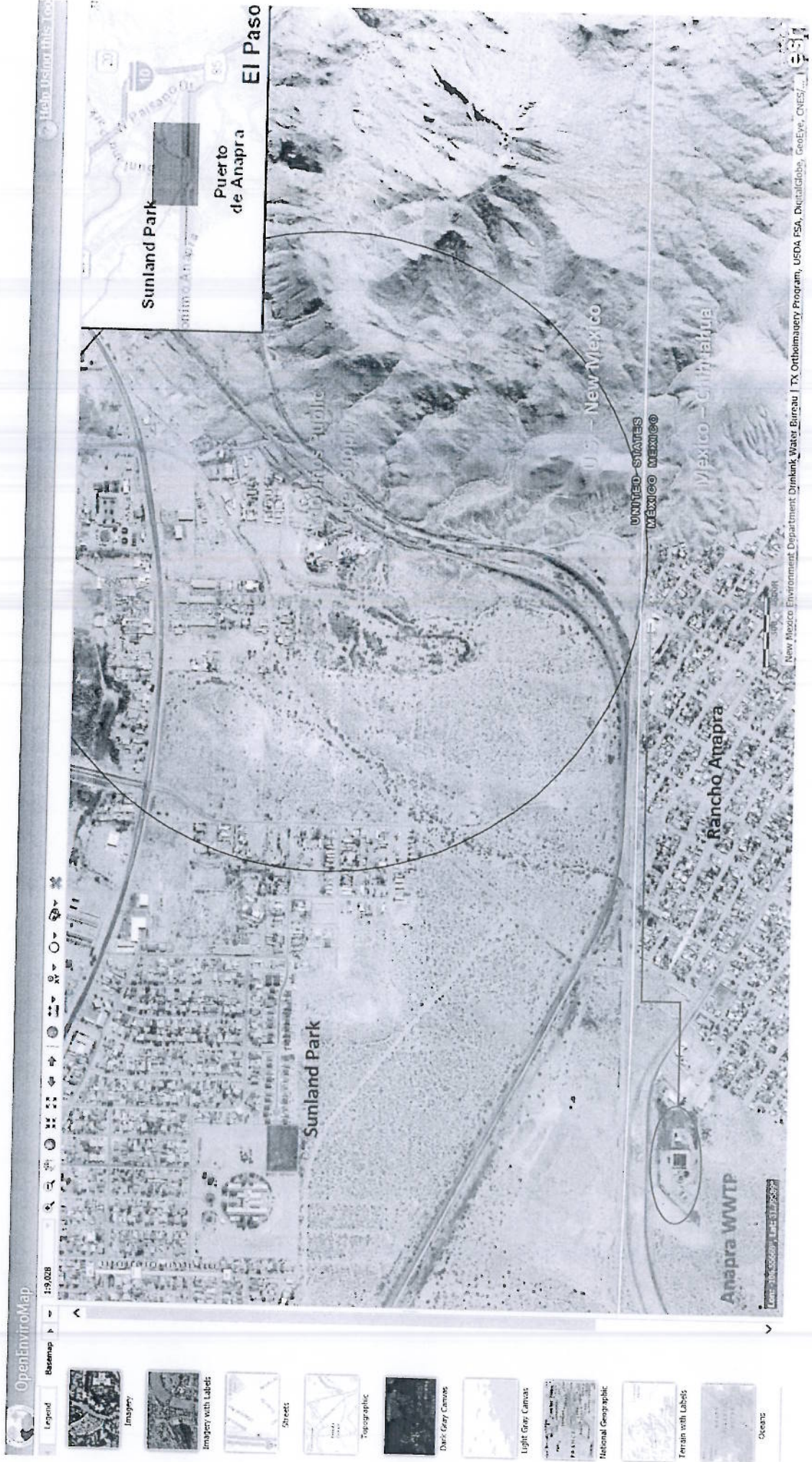
Contact information

Name of person filing report: _____

Phone number: _____

Email: _____

Date event closed: _____





North American
Development Bank

Banco de Desarrollo
de América del Norte

CONTACT:
Jesse Hereford
(210) 231-8000
jhereford@nadb.org

PRESS RELEASE

For Immediate Release:
October 31, 2018

EPA Region 6 awards \$5.86 million in grant funds for water and wastewater projects to benefit communities in Texas and New Mexico border region

- Grant funds are administered by the North American Development Bank
- Senator Cornyn and Congressman Henry Cuellar (TX-28) helped secured federal funding for EPA's US-Mexico Border Water Infrastructure Program (BWIP)

Laredo, Texas – During a press conference this morning, Representative Henry Cuellar (TX-28) and the Office of Senator John Cornyn announced US\$5.86 million in program funding awarded to U.S. Environmental Protection Agency (EPA) Region 6 for the U.S.-Mexico Border Water Infrastructure Program (BWIP), which funds technical assistance and infrastructure construction grants for high-priority municipal drinking water and wastewater projects. These funds are provided to the North American Development Bank (NADB), which administers them on behalf of EPA Region 6 for projects in Texas and New Mexico.

Rep. Cuellar and Henry Juvera, South Central Deputy Regional Director for Senator John Cornyn were joined by Mayor Pete Saenz of the City of Laredo; Mayor Enrique Rivas of the City of Nuevo Laredo, Tamaulipas; Calixto Mateos-Hanel, NADB Deputy Managing Director, and Tricia Cortez, Executive Director of the Rio Grande International Study Center.

NADB provides grants through the Project Development Assistance Program (PDAP) and the Border Environment Infrastructure Fund (BEIF) to support communities with development activities necessary for the implantation of projects that are selected by EPA through a public prioritization process. This process allows the program to target limited funding to projects with the highest benefit in terms of public health and environmental risk, cost-effectiveness, institutional capacity, and sustainability.

"We thank Senator Cornyn and Congressman Cuellar for their continued support to appropriate federal funds that help address urgent water and wastewater needs in border communities" stated Mr. Mateos-Hanel. "We have worked closely for many years with EPA to provide grant funding to communities that would not be able to fund their projects without grant resources."

The funds awarded by Region 6 will be distributed to both NADB grant programs, PDAP is receiving \$3.68 million for newly selected projects in 10 communities in New Mexico, Texas and Tamaulipas, and BEIF is receiving \$2.8 million for investment in projects currently under development with PDAP, including infrastructure improvements in Vinton and Presidio, Texas as well as Anthony, New Mexico.

Projects funded in the Mexican border region, must have a direct benefit to the environment on the U.S. side. NADB coordinates with the Mexican national water agency, *Comisión Nacional de Agua* (CONAGUA) to ensure that the requirement for matching funds is met.

Since the BEIF program started in 1997, EPA, through the BWIP, has awarded more than \$700 million to NADB to support this program. NADB has provided close to \$660 million in grants for 117 projects in 92 communities, benefitting a population of 7.4 million on both sides of the U.S.-Mexico border region. EPA has also awarded to date close to \$42.3 million to PDAP.

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NADB is a financial institution established and capitalized in equal parts by the United States and Mexico for the purpose of financing environmental infrastructure projects along their common border. As a pioneer institution in its field, the Bank is working to develop environmentally and financially sustainable projects with broad community support in a framework of close cooperation and coordination between Mexico and the United States.

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

November 15, 2018

Doug Benevento, Region 8 Administrator
United States Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202-1129

Dear Administrator Doug Benevento:

The remedy selected at the Libby Asbestos Superfund Site has resulted in hazardous substances, pollutants, or contaminants (i.e., Libby amphibole asbestos) remaining on site above levels that allow for unlimited use and unrestricted exposure. The selected remedy also includes requirements for ICs (initial establishment and ongoing implementation), monitoring (consisting of non-intrusive and intrusive visual inspection and sampling and analysis during construction and non-intrusive visual inspections and limited sample collection with analysis post construction), and maintenance of remediated areas to prevent exposure and maintain protectiveness of human health and the environment into the future. Additionally, land use must be tracked to inform property owners and others about the potential to encounter asbestos contamination should land use change or ownership transfers occur. ICs will be used at the Site to require cleanup of LA contamination that is currently inaccessible and becomes accessible in the future; ICs also provide a mechanism to address property use changes between land use categories that could affect protectiveness.

Long-term O&M will be required to maintain the integrity of ICs, backfilled areas, encapsulated areas, and covers placed during previous response actions at all four land use categories. The specifics of an O&M program, including monitoring, are under development. Post-construction monitoring and maintenance will be performed at public use areas with contaminated subsurface soil remaining below backfill and accessible contaminated building materials. Post-construction monitoring and maintenance of contaminated subsurface soil remaining below backfill and within locations of encapsulated or otherwise inaccessible contaminated building materials on private property will be left to the property owner. Information will be provided to assist property owners and their contractors in understanding the appropriate maintenance procedures that apply to their properties. Because of the potential for LA contamination to remain in soil and structures after the remedial action is concluded, there may be a need to implement a response action during O&M.

The state of Montana is responsible for 100% of the operations and maintenance costs at the Libby Asbestos Superfund site, excluding OU3. Maintaining protectiveness of the remedy is critical at this site, since chronic and acute exposure to Libby amphibole asbestos potentially can be fatal. While settlement monies were set aside for operations and maintenance, both Lincoln County and the State of Montana are concerned that this money will not be sufficient to ensure continued protection of the citizens of Lincoln County.

The State of Montana supports Lincoln County's request that, after completion of remedial action, any remaining EPA-held remedial action settlement monies be made available to the State of Montana and Lincoln County, Montana, for the purposes of implementing an Operations and Maintenance program for the Libby Asbestos Superfund Site.

Sincerely,



STEVE BULLOCK
Governor